

## REMARKS

In the outstanding Office Action, the Examiner subjected the application to a restriction requirement and identified the following patentably distinct species:

- **Species A** as defined by the Examiner: generating an alert to the operator of the primary vehicle when the presence of a U-turn pursuit maneuver of the primary vehicle and the one or more parameters of the closing vehicle are at a predetermined status. Page 2 of the Office Action.
- **Species B** as defined by the Examiner: generating an alert to the operator of the primary vehicle when (1) the said pattern corresponds to a predetermined pattern indicative of a particular driving maneuver, (2) the said one or more parameters of the state of movement of the closing vehicle are at a predetermined status, and (3) another condition exists, wherein the particular driving maneuver is selected from the group consisting of a speed variation pattern indicative of a U-turn maneuver and a vehicle transmission setting change maneuver.

Further, if Species B is elected, the application is subject to the following additional restriction requirement:

- **Species Bi** and **Bii** as defined by the Examiner: one of the disclosed species of input unit from among the Markush

group of species (i.e., Species Bi being a speed variation pattern indicative of a U-turn maneuver and Species Bii being a vehicle transmission setting change maneuver).

#### **STATUS OF THE CLAIMS**

Claims 1-6, 8-16, and 37, including independent claims 1-2 and 37, are currently pending. Claims 1, 8-9, and 37 have been withdrawn from consideration. Claim 2 has been amended. Claims 2-6 and 10-16, including independent claim 2, are currently pending. Favorable reconsideration of the present Response as currently constituted is respectfully requested.

#### **ONE MONTH EXTENSION OF TIME**

This Response was due for reply by February 19, 2007 since the Restriction Requirement was mailed on January 19, 2007. A One Month Petition for Extension of Time Under 37 C.F.R. §1.136(a) is enclosed. Therefore, per MPEP §710.01(a), the One Month Extension of time extends the due date to March 19, 2007.

#### **RESTRICTION REQUIREMENT & ELECTION WITH TRAVERSE**

Applicant elects with traverse Species B and Species Bi as recited in claim 2 and directed to generating an alert based on a U-turn maneuver. Accordingly, by way of the present Response,

Applicant has withdrawn, without prejudice or disclaimer, claims 1, 8-9, and 37. Further, Applicant has appropriately amended claim 2. Applicant respectfully traverses the Examiner's restriction requirement and requests that the Examiner consider the withdrawn claims in this application.

Applicant respectfully submits that the Examiner's Restriction Requirement is contrary to the guidelines presented in the MPEP and, in particular, MPEP §808.01(a) which governs Restriction Requirements of this nature. Per MPEP §808.01(a), a requirement for restriction is permissible if there is a patentable difference between the species as claimed **and there would be a serious burden on the Examiner if restriction is not required.** In the present case, however, there is no serious burden on the Examiner if the restriction is not maintained.

Applicant respectfully solicits that a search may be directed to generating an alert to the operator based on more than one type of vehicle maneuver. In particular, all claims of the present invention are directed to a method of warning the operator of a primary vehicle about the potential collision of a closing vehicle with the primary vehicle. Each claim includes limitations directed to generating the alert based on one or more particular driving maneuvers including a U-turn maneuver and a vehicle transmission setting change maneuver.

Applicant respectfully submits that all the claims, whether of Species A or Species B, are located in class 701, subclasses 68, 79, and 301 since the claims are directed to generating an alert to the operator. **The Examiner has already performed a search directed to this subject matter and these classes and claims. The results of this search formed the basis for the Office Action dated April 3, 2006.** Accordingly, there would not be a serious burden on the Examiner if restriction is not required and, based on the Examiner's previous search, the Patent Office is estopped from taking the contrary position that the search is burdensome. Hence, Applicant respectfully solicits that the Restriction Requirement is not in accordance with MPEP §808.01(a) and should be withdrawn.

#### **IDENTIFICATION OF THE CLAIMS ENCOMPASSING THE ELECTED INVENTIONS**

As discussed hereinabove, Applicant elects Species B and Species Bi, which are directed to generating an alert based on the U-turn maneuver. Applicant hereby identifies the following claims as encompassing the elected inventions:

- Claims 2-6 and 10-16

#### **REQUEST FOR RECONSIDERATION OF RESTRICTION BETWEEN CLAIMS 1 AND 2**

Applicant further requests that the Examiner withdraw the Restriction Requirement with respect to claim 1 and claim 2, as

amended, as both claims are now of Species B. In particular, claim 1 and claim 2, as amended, are both directed to generating an alert based on a U-turn maneuver. Accordingly, these claims should be examined together.

#### **FEE STATEMENT**

Applicant has submitted herewith authorization for the payment of \$60.00 in accordance with 37 C.F.R. §1.17(a)(1) for submission of the Petition for One Month Petition for Extension of Time. Accordingly, Applicant believes no further fees are due for the filing of this Response. If any additional fees are due, however, please charge our deposit account (Account No. 50-3215).

#### **CONCLUSION**

In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw the Restriction Requirement and consider all claims originally presented for examination. The Examiner is requested to call the undersigned for any reason that would advance the instant application to issue.

Dated this 2nd day of March, 2007.

Respectfully submitted:

/Scott Griggs/

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